

ED

Notice of Allowability

Application No.

10/699,453

Applicant(s)

WEISS ET AL.

Examiner

Urszula M. Cegielnik

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Pre-Appeal Panel Decision filed 16 January 2007.
2. ☒ The allowed claim(s) is/are 4, 5, and 17-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

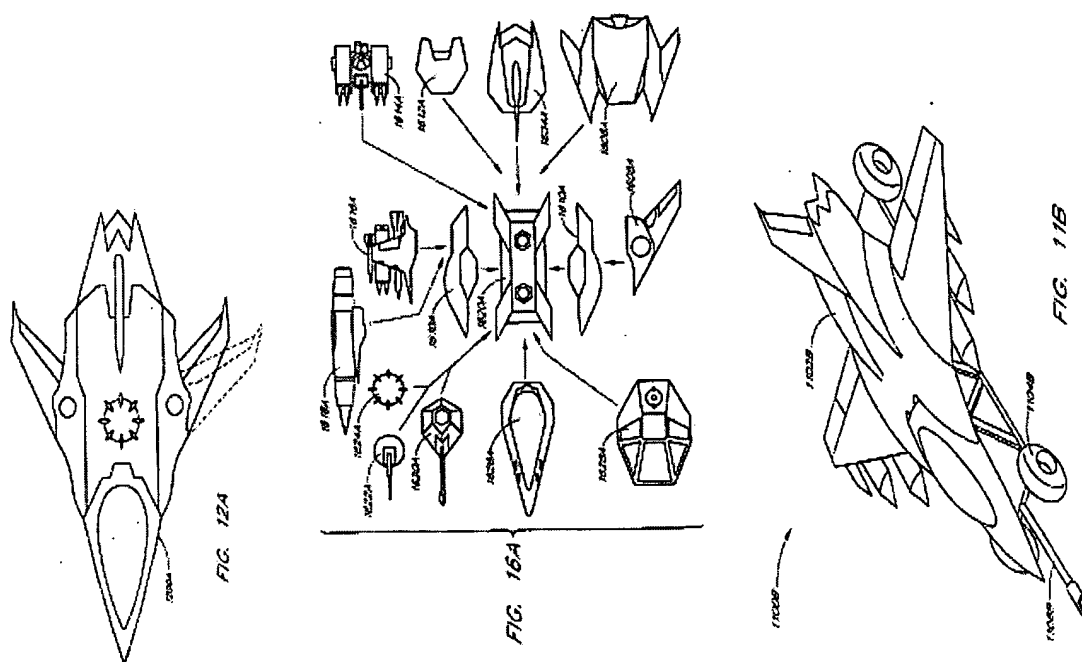
1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


EUGENE KIM
SUPERVISORY PATENT EXAMINER

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The specific limitation(s) of "...a signal is generated by a switch adapted to detect a position of at least one of the lateral chassis portions relative to the central chassis portion..." are not anticipated or made obvious by the prior art of record in the examiner's opinion.



For example, Tachau et al. disclose a remote controlled toy having a variety of embodiments which include at least an on-board power supply (paragraph 0068, lines 1-7)); at least a plurality of wheels (1104B in Figure 11B, for example) supporting the vehicle for itinerant movement (paragraph 0079, lines 10-12); at least one motor operably coupled to at least one of the wheels to provide at least part of the itinerant movement of the vehicle (paragraph 0079, lines 10-12); a controller circuit configured to selectively supply power from the power supply to the at least one motor in response to

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commands from a transmitter (paragraph 0061, lines 13-20) remote from the vehicle to move the toy vehicle (paragraph 0064, lines 1-2); a hinged (paragraph 0039, lines 1-4), three part chassis (see Figure 16A, for example) having a first longitudinal end and a second, opposing longitudinal end and including a central chassis portion (1620A) having opposing first and second lateral sides; a first lateral chassis portion (1610A) pivotally coupled with the central chassis portion (1620A) on the first lateral side of the central chassis portion (1620A), and a second lateral chassis portion (1610A) pivotally coupled to the central chassis portion (1620A) on a second lateral side of the central chassis portion, the first and second lateral chassis portions (1610A) are coupled so as to pivot with respect to the central chassis portion (1620A) in a common plane (the wings are swept back or swung forward around a first axis, see Figures 12A and 27, paragraph 0052, lines 1-8); a pair of links (see Figure 27 and paragraph 0052, lines 1-5, each link being pivotally coupled to the central chassis portion and one of the first and second lateral chassis portion at the first longitudinal of the vehicle to permit the first longitudinal end of each lateral chassis portion to pivot away from and toward the central chassis portion and a separate light source in each link (paragraphs 0039; 0052, lines 17-20, and 0063). However, the prior art fails to teach "...a signal is generated by a switch adapted to detect a position of at least one of the lateral chassis portions relative to the central chassis portion ..."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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